REMARKS

Applicant submits this Response in response to the Office Action mailed October 6, 2005. No amendments have been made. Claims 1-26 remain pending.

Applicant thanks the Examiner for the continued indication in paragraph 7 of the Office Action that claims 6-8 and 18-24 would be allowable if rewritten in independent form.

In paragraphs 3-4 of the Office Action, the Examiner has rejected claims 1, 9, 14 and 25 under 35 U.S.C § 102(e) as being anticipated by U.S. Patent No. 6,920,107 to Qureshi et al. ("Qureshi"). The Examiner has also rejected claims 2-5, 10-13, 15-17 and 26 under 35 U.S.C. § 103 as being unpatentable over Qureshi in view of U.S. Patent Application No. 2005/0050377 to Chan et al. ("Chan"). Applicant traverses these rejections, based on the following remarks.[1]

The Examiner has asserted, in paragraph 4 of the Office Action, that Qureshi allegedly describes "a method of operating a communications network including a firewall comprising the steps of: monitoring delays associated with the closing of ports corresponding to communications sessions following the termination of said communications sessions as indicated by session control signals," and references col. 16, lines 29-41 of Qureshi. (Office Action, p. 3.) Applicant respectfully disagrees because the cited portion of Qureshi does not mention monitoring delays associated with the closing of ports. Qureshi actually describes a system that deals with congestion management in packet-based call networks. (Qureshi, col. 2, lines 58-60.) One of the ways the system described in Qureshi detects call congestion is measurement of call quality information — packet loss, delay jitter per call, port utilization, buffer statistics and routing and topological information. (Id., col. 16, lines 22-45.) However, nowhere in the description of Qureshi is any discussion of the measurement of delays associated with the closing of ports

---

[1] As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

8

corresponding to communications sessions following the termination of communications sessions.

The Examiner has relied upon Chan to allegedly show "communicating said alert signal to a security management system; and operating said security management system to initiate at least one security operation in response to the alert signal." (Office Action, p. 4.) Applicant notes that the cited description does not discuss anything related to a port closing (or opening) delay exceeding a preselected threshold. The system described in Chan implements a system that detects network events and determines if a "brink of failure" condition exists. (Chan, ¶ [0029].) Chan does not, however, describe measurement of delay associated with the opening or closing of ports, or generating alerts when the port opening/closing delay exceeds a threshold value.

In contrast to Qureshi and Chan, claim 1 recites a method that includes:

> monitoring delays associated with the closing of ports corresponding to communications sessions following the termination of said communications sessions as indicated by session control signals; and
> generating an alert signal when a monitored closing delay exceeds a preselected threshold.

Taken either individually or in combination, Qureshi and/or Chan do not teach or suggest the elements of claim 1. For example, there is no description in Qureshi or Chan of the monitoring of any delays associated with the closing of ports corresponding to communications sessions, or the generation of an alert signal when a monitored closing delay exceeds a threshold. The absence of these claim elements from claim 1 indicates that claim 1 is patentable over Qureshi and/or Chan, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 1. Furthermore, as claims 2-5 each depend from claim 1, and therefore include all of the limitations of claim 1, claims 2-5 are patentable over Qureshi and/or Chan for at least the same reasons given for patentability of claim 1.[2] Applicant therefore respectfully requests that the Examiner withdraw the rejections of claims 2-5 as well.

---

[2] As Applicant's remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicant's silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicant to the Examiner's assertions as to these claims, and Applicant reserves the right to analyze and dispute such assertions in the future.

9

Also in contrast to Qureshi and Chan, claim 9 recites a method that includes:

> monitoring delays associated with the opening of ports corresponding to communications sessions being initiated through the use of session control signals; and
>
> generating an alert signal when a monitored opening delay exceeds a preselected threshold.

As was the case for claim 1, Qureshi and/or Chan, taken individually or in combination, neither teach nor suggest the elements of claim 9. For example, there is no description in Qureshi or Chan of the monitoring of any delays associated with the opening of ports corresponding to communications sessions, or the generation of an alert signal when a monitored opening delay exceeds a threshold. The absence of these claim elements from claim 9 indicates that claim 9 is patentable over Qureshi and/or Chan, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 9. Furthermore, as claims 10-13 each depends from claim 9, and therefore includes all of the limitations of claim 9, claims 10-13 are patentable over Qureshi and/or Chan for at least the same reasons given for patentability of claim 9. Applicant therefore respectfully requests that the Examiner withdraw the rejections of claims 10-13 as well.

Also in contrast to Qureshi and Chan, claim 14 recites a system that includes:

> a firewall system responsive to session signals to open and close ports in response to the establishment and termination of communications sessions, respectively;
>
> means for monitoring said firewall to detect a port closing delay following a signal to terminate a communications session; and
>
> an alarm generation device for generating an alarm when the port closing delay is determined to exceed a preselected threshold.

Taken either individually or in combination, Qureshi and/or Chan neither teach nor suggest the system recited by claim 14. For example, neither Qureshi nor Chan teach or suggest any means for monitoring a firewall to detect a port closing delay following a signal to terminate a communications session, or an alarm generation device for generating an alarm when the port closing delay is determined to exceed a preselected threshold. The absence of these elements of claim 14 indicates that claim 14 is patentable over Qureshi and/or Chan, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 14. As claims 15-17 and 26 depend from claim 14, and therefore include all of the limitations of claim 14, claims 15-17 and 26 are patentable over Qureshi and/or Chan for at least the same reasons given for

10

patentability of claim 14, and Applicant respectfully requests that the Examiner withdraw the rejections of claim 15-17 and 26 as well.

Also in contrast to Qureshi and Chan, claim 25 recites a system that includes:

a firewall system responsive to session signals to open and close ports in response to the establishment and termination of communications sessions, respectively;

means for monitoring said firewall to detect a port opening delay following a signal to establish a communications session; and

an alarm generation device for generating an alarm when the port opening delay is determined to exceed a preselected threshold.

Taken either individually or in combination, Qureshi and/or Chan neither teach nor suggest the system recited by claim 25. For example, neither Qureshi nor Chan teach or suggest any means for monitoring a firewall to detect a port opening delay following a signal to establish a communications session, or an alarm generation device for generating an alarm when the port opening delay is determined to exceed a preselected threshold. The absence of these elements of claim 25 in any or all of these references indicates that claim 25 is patentable over Qureshi and/or Chan, and Applicant respectfully requests that the Examiner withdraw the rejection of claim 25.

11

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested. Accordingly, Applicant requests that the Examiner pass this application to issue. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. With respect to this application, please charge any other necessary fees and credit any overpayment to that account.

Respectfully submitted,

January 4, 2006

Joseph R. Palmieri
Reg. No. 40,760

Verizon Corporate Services Group Inc.
600 Hidden Ridge Drive
Mail Code: HQE03H14
Irving, Texas 75038
(972) 718-4800

12